



April 12, 2019

Honorable Pat Britt  
Clerk of the Council  
Cleveland City Council  
601 Lakeside Avenue - #220  
Cleveland, Ohio 44114

Dear Clerk Britt:

Cleveland Lead Advocates for Safe Housing (CLASH) is troubled to learn that you are considering not certifying the 10,000 signatures CLASH submitted last week, despite a finding by the Board of Elections on April 10th that CLASH far exceeded the required threshold of 5,000 valid signatures required to launch a ballot initiative.

We acknowledge that the language on the petition booklet does not meet the State's requirement for a ballot initiative. That technicality, however, does not invalidate the petitions' role in compelling you, as Clerk, to certify and endorse the petitions, and submit them to Council for review, as described in Chapter 7, Sections 51 and 54 of the Charter of the City of Cleveland. Upon receiving the petitions, Cleveland City Council is required to review the legislation, as described in the Charter of the City of Cleveland, regardless of whether or not the legislation is headed to the ballot.

The decision to refuse to certify the petitions, and to refuse to submit the legislation to City Council, is outside the bounds of the role and responsibility of the Clerk, and would violate the City Charter. It is not the Clerk's role to determine the legal sufficiency of the papers.

The role of the Clerk of Cleveland City Council, described in Chapter 7, Section 51 of the Charter of the City of Cleveland, is to determine whether the petition is signed by the required number of qualified electors. "The Clerk shall ascertain whether it is signed by the required

number of qualified electors," the charter reads. "Upon the completion of the Clerk's examination the Clerk shall endorse upon the petition a certificate of the result thereof."

The Ohio State Supreme Court reaffirmed this interpretation of the Clerk's role in State ex rel. Langhenry v. Britt, 151 Ohio St.3d 227, 2017-Ohio-7172, 87 N.E.3d 1216, a case you, as the defendant, know well. The ruling states "When [a] petition is filed with the Clerk of the Council he shall determine the sufficiency thereof in the manner provided in this Charter for an initiative petition for an ordinance. In accordance with Section 51 of the Cleveland City Charter, the clerk shall determine whether the petition has been signed by the required number of qualified electors."

Sincerely,

Cleveland Lead Advocates for Safe House